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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

SECOND APPEAL NO. 525 OF 2006

Shri Vishnu Mahipati Mahadik ... Appellant

V/s

Shri Pandharinath R. Talekar & anr. ... Respondents

Mr. V.N. Tayade for the appellant.

Mr. S.J. Rairkar for the respondents.

CORAM: SMT. NISHITA MHATRE, J.

DATED: 20TH JULY, 2007.

P.C.:

1. The suit for possession filed by the respondent under the Transfer of Property Act, was decreed. Both the Courts below have held that the notice terminating the tenancy was valid and that the respondent was in possession of the suit property.

2. No substantial quiestion of law arises in this appeal and, therefore, it must be dismissed.

3. Mr. Tayade, learned advocate for the appellant submits that the appellant be given some time to vacate the suit premises. It appears that ad-interim relief

was granted. The order was not communicated to the respondent and, therefore, the decree had already been executed. The respondent had placed on record his apology and the suit premises have already been handed over to the appellant in view of the interim orders.

4. As an indulgence, the appellant is granted six months' time to vacate the suit premises on condition that an undertaking to that effect is given by the appellant and all the adult members of the family of the appellant within a week from today.

5. Appeal dismissed.

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